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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PRODUCT PARTNERS, LLC, a
California Limited Liability Company,

Plaintiff,

vs.

EVAN LEISERSON, an Individual,
and Does 1-10, Inclusive,

Defendants.

Case No.: CV09-07511 JFW (SSx)

**PERMANENT
INJUNCTION PURSUANT TO
STIPULATION**

The Court, having read and considered the Stipulation for Permanent Injunction that has been executed by Plaintiff PRODUCT PARTNERS, LLC (“Plaintiff”) and Defendant EVAN LEISERSON (“Defendant”) in this action:

GOOD CAUSE APPEARING THEREFORE, THE COURT ORDERS that this Permanent Injunction shall be and is hereby entered in the within action as follows:

1 1. This Court has jurisdiction over the parties to this action and over the
 2 subject matter hereof pursuant to the provisions of the Lanham Act, 15
 3 U.S.C. § 1051, et seq., as well as 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331.

4 2. Service of process was properly made on the Defendant.

5 3. Plaintiff owns or controls the pertinent rights in and to the following
 6 intellectual properties (hereinafter the “Intellectual Property”):

Intellectual Property:	Registration No.:	Registration Date:
“P90X” (Trademarks)	2869491 2869490 2843063 2973356 3444723 3669400	August 3, 2004 August 3, 2004 May 18, 2004 July 19, 2005 June 10, 2008 August 18, 2009
“P90X extreme home fitness kit” “P90X.com” “P90X Version 2.3 Informercial” “P90X Infomercial Version 3” (Copyrights)	PA0001324687 TX0006569236 PA0001606153 PA0001609963	March 23, 2006 May 7, 2007 December 21, 2007 August 25, 2008

1 4. Plaintiff alleges that Defendant has made unauthorized uses of the
2 Intellectual Property or substantially similar likenesses or colorable imitations
3 thereof.

4 5. Defendant and his agents, servants, employees, officers, directors,
5 subsidiaries, affiliated companies, and all persons in active concert and
6 participation with him who receive actual notice of the Injunction are hereby
7 restrained and enjoined, pursuant to 15 U.S.C. § 1116, from selling any and all
8 products embodying the Intellectual Property in any manner, including generally,
9 but not limited to, manufacture, importation, distribution, shipping, advertising,
10 selling and/or offering for sale any counterfeit products using, bearing or
11 embodying any of the Intellectual Property or any objects, marks, products
12 confusingly similar to the Intellectual Property (“Unauthorized Products”), and
13 specifically:

14 i) Importing, manufacturing, distributing, advertising, selling
15 and/or offering for sale any unauthorized products which picture,
16 reproduce, copy or use the likenesses of or bear a confusing similarity
17 to any of the Unauthorized Products;

18 ii) Importing, manufacturing, distributing, advertising, selling
19 and/or offering for sale in connection thereto any unauthorized
20 promotional materials, labels, packaging or containers which picture,
21 reproduce, copy or use the likenesses of or bear a confusing similarity
22 to any of the Intellectual Property;

23 iii) Engaging in any conduct that tends falsely to represent that, or
24 is likely to confuse, mislead or deceive purchasers, Defendant’s
25 customers and/or members of the public to believe, the actions of
26 Defendant, the Unauthorized Products sold by Defendant, or
27 Defendant himself is connected with Plaintiff, is sponsored, endorsed,
28 approved or licensed by Plaintiff, or is affiliated with Plaintiff;

1 iv) Affixing, applying, annexing or using in connection with the
2 importation, manufacture, distribution, advertising, sale and/or offer
3 for sale or other use of any goods or services, a false description or
4 representation, including words or other symbols, tending to falsely
5 describe or represent such Unauthorized Products as being those of
6 Plaintiff.

7 6. Defendant is ordered to deliver immediately for destruction all
8 Unauthorized Products, including P90X extreme fitness kits and related products,
9 labels, signs, prints, packages, wrappers, receptacles and advertisements relating
10 thereto in his possession or under his control bearing any of the Intellectual
11 Property or any simulation, reproduction, counterfeit, copy or colorable imitations
12 thereof, and all plates, molds, heat transfers, screens, matrices and other means of
13 making the same, to the extent that any of these items are in Defendant's
14 possession.

15 7. This Injunction shall be deemed to have been served upon Defendant
16 at the time of its execution by the Court.

17 8. The Court finds there is no just reason for delay in entering this
18 Injunction and, pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the
19 Court directs immediate entry of this Injunction against Defendant.

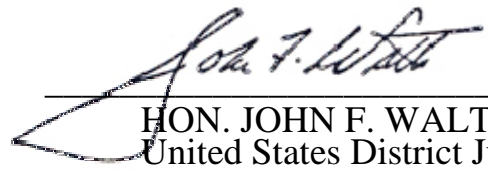
20 9. The Court shall dismiss the entire action with prejudice with each
21 party bearing its own costs and attorneys' fees incurred to date.

22 10. The Court shall retain jurisdiction of this action to entertain such
23 further proceedings and to enter such further orders as may be necessary or
24 appropriate to implement and enforce the provisions of this Injunction.

25 11. This Court shall retain jurisdiction over the Defendant for the purpose
26 of making further orders necessary or proper for the construction or modification
27 of this consent decree and judgment; the enforcement hereof; the punishment of
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1 any violations hereof, and for the possible entry of a further Judgment Pursuant to
2 Stipulation in this action.

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4 IT IS SO ORDERED this 3rd day of December, 2009.

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8 HON. JOHN F. WALTER
United States District Judge
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